

JAMES H. MOSER,)
Plaintiff,)
))
v.)
))
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
Defendant.)

THIS MATTER IS BEFORE THE COURT on the “Consent Motion For Reversal And Remand Pursuant To Sentence Four of 42 U.S.C. § 405(g)” (Document No. 8) filed November 10, 2008. The parties have consented to magistrate judge jurisdiction pursuant to 28 U.S.C. § 636(c), and immediate disposition of this motion is appropriate. For good cause shown, the motion will be granted.

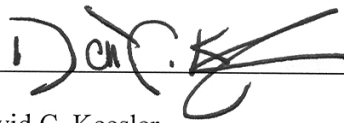
Defendant, Michael Astrue, Commissioner of Social Security, has moved this court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment reversing his decision with a remand of the cause for further administrative proceedings.

On remand, the Commissioner will assign this matter to an Administrative Law Judge (“ALJ”) who will consolidate this case with subsequent claims filed by Plaintiff. The ALJ will evaluate the non-examining state agency medical source opinions found in Exhibit 14F concerning Plaintiff’s mental functioning. The ALJ will give further consideration to Plaintiff’s mental and physical residual functional capacity and will further consider whether Plaintiff could perform his past relevant work. If necessary, the ALJ will also consider whether Plaintiff could perform other work existing in significant numbers in the national economy. If warranted, the ALJ will obtain

testimony from a vocational expert. Before relying on vocational expert testimony, the ALJ will ensure that such testimony is in response to a hypothetical that accurately reflects all of the limitations ultimately assessed by the ALJ.

IT IS, THEREFORE, ORDERED that the “Consent Motion For Reversal And Remand Pursuant To Sentence Four of 42 U.S.C. § 405(g)” (Document No. 8) is **GRANTED**. Pursuant to the power of this Court to enter a judgment reversing the Commissioner’s decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), this Court hereby REVERSES the Commissioner’s decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

Signed: November 11, 2008



David C. Keesler
United States Magistrate Judge

